THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.17711 OF 1997
Dated:22-12-2006

Between:
K.Laxmareddy Petitioner

And

Mandal Revenue Officer, Manugurul, Khammam Dist.
Respondent

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.17711 OF 1997

ORDER:

1. This writ petition has been instituted when the respondent-Mandal Revenue Officer, Manuguru, started interfering with the possession of the petitioner's land of an extent of Ac.0-3 guntas situated in Samithisingaram village of Manuguru Mandal, Khammam District.

2. This writ petition has been instituted on 29-07-1997 and an interim direction has been granted by this court on 1st August, 1997 in W.P.M.P.No.21490 of 1997 moved in this writ petition, granting interim stay of dispossession pending further orders in the said W.P.M.P. That is how the writ petitioner continued to be in possession of land in question. The writ petitioner has asserted that he had purchased the land in question whereon a hut was in existence in the year 1967 from one Dondeti Bhadraiah and that ever since he was living therein and to improve upon the conditions of his living he has removed the said hut and constructed a pucca house with the necessary permission of the Gram Panchayat, Samithisingaram. He also asserts that the local Gram Panchayat has assessed the said house to property tax and assigned it No.13-1-271/1. Therefore, the writ petitioner asserts that the respondent-Mandal Revenue Officer, Manuguru, could not have interfered with his lawful possession of the land in question.

3. At long last, the Mandal Revenue Officer, Manuguru, filed his counter affidavit in the matter on 20-12-2006. It is averred at page 4 of the counter affidavit that the land in Survey No.314 of the village is a Government land and that the writ petitioner is trying to grab the Government land by encroaching upon it. Therefore, the Mandal Revenue Officer has asserted that a notice under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (hereinafter be referred to as 'the Act') has been served on the writ petitioner on 09-09-1997 and that the writ petitioner has not submitted his reply thereto. It is obvious that the alleged notice under Section 7 of the Act has been served on the writ petitioner after he has approached this court and after this court had passed an interim order on 01-08-1997 directing the respondent not to dispossess him. Since the writ petitioner has been served with the notice, it is certainly open to the petitioner to place the necessary material to assert his title over the piece of land in question and allow the Mandal Revenue Officer to determine the nature and title of the writ petitioner over the land in question. The writ petitioner is therefore directed to place his submissions in response to the notice said to have been served on him under Section 7 of the Act on or before 31-01-2007 and the respondent shall consider the same and pass a speaking order dealing with the objections raised by the writ petitioner asserting his title over the land in question. Till the enquiry contemplated by the Mandal Revenue Officer is accomplished, the status-quo with regard to the possession of the land shall continue and the writ petitioner shall not be dispossessed in the meantime.

4. The writ petition is disposed of in the above terms. No order as to costs.

_____

NOOTY RAMAMOHANA RAO,J

22-12-2006
Stp